

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CR-40-1FL

UNITED STATES OF AMERICA,)
)
 v.)) **ORDER**
)
 ARSENIO MARTEZ RIVERS)

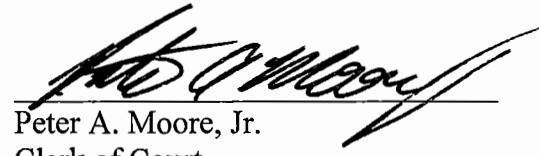
On September 9, 2019, the court received a motion to obtain free copies of documents filed by Arsenio Martez Rivers (“movant”) [DE-40]. The motion was referred to the clerk for ruling at the direction of the presiding judge. Movant requests a copy of the docket sheet, judgment of conviction, and transcripts. He states he is indigent and cannot pay for transcripts, and presumably, copies of the other documents.

The docket sheet in this action shows that on January 4, 2017, movant was sentenced to a term of imprisonment by the court. See Judgment [DE-38]. He did not file an appeal from the judgment of conviction and sentence, and there are no other pending motions for relief from the judgment.

Federal inmates are not entitled to documents and materials at government expense for collateral attacks on their convictions, absent some showing of a particularized need. United States v. MacCollum, 426 U.S. 317, 326-27 (1976); United States v. Gallo, 849 F.2d 607 (Table), 1988 WL 60934, at *1 (4th Cir. May 31, 1988) (“Copies of transcripts and court records may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need.”). “An indigent is not entitled to free copies ‘merely to comb the record in the hope of discovering some flaw.’” Gallo, 1988 WL 60934 at *1 (quoting United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963)).

As the docket sheet indicates, there are no pending appeals or motions for post-conviction relief. Accordingly, there are no current proceedings before the court that require the requested documents nor has movant identified the reasons these documents should be furnished to him. Consequently, his motion to obtain free copies [DE-40] is DENIED.

SO ORDERED. This the 16 day of September, 2019.



Peter A. Moore, Jr.
Clerk of Court